

REMARKS

Claims 1-5 and 7-66. are all the claims pending in the application.

I. Specification

The Examiner has objected to the disclosure because of a minor typographical error.

Applicants submit that the modifications to the Specification obviate the objection.

II. Claim Objections

The Examiner has objected to claims 1, 63 and 64 because of minor typographical errors.

Applicants submit that the modifications to the claims obviate the objection.

III. Claim Rejections Under §102

The Examiner has rejected claims 1, 2, 5, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Hirose *et al.* (US 4,987,279) [“Hirose”]. For at least the following reasons, Applicants traverse the rejection.

Claim 1 recites an input unit that comprises “a switch pressing unit provided in the vicinity of an outer periphery of a face ... of said instruction input unit ... [and] a switch part ... [that] comprises a plurality of switches, and wherein the information displayed on said display part indicates a function of the respective switch pressed by the switch pressing unit.” (emphasis added.)

Hirose, at most, discloses a single switch (switch body 32 with terminals 35). See Figs. 3-5 and col. 3, lines 21-32 of Hirose. Accordingly, Applicants submit that Hirose does not disclose or suggest the claimed plurality of switches that are pressed by a switch pressing unit provided in the vicinity of an outer periphery of a face of an instruction input unit as set forth in

claim 1. In addition, because Hirose only discloses a single switch, Hirose does not disclose or suggest a display part that indicates a function of the respective switch of a plurality of switches pressed by the switch pressing unit as set forth in claim 1.

Because claim 9 recites features similar to those given above with respect to claim 1, Applicants submit that claim 9 is patentable for at least reasons similar to those given above with respect to claim 1.

Applicants submit that claims 2, 5 and 7 are patentable at least by virtue of their dependency on claim 1.

The Examiner has rejected claims 41, 42, 48, 50, 63 and 64 under 35 U.S.C. § 102(b) as being anticipated by Ohishi *et al.* (US 5,742,341) [“Ohishi”]. For at least the following reasons, Applicants traverse the rejection.

Claim 41 recites a capturing apparatus that comprises “a display part arranged to have a display screen inclined with respect to a plane of a body face of said capturing apparatus; and a switch unit including a plurality of switches arranged in surroundings of said display part, wherein, when one of the plurality of switches of the switch unit is pressed, the pressed switch functions under a condition that the corresponding display screen is inclined.” (emphasis added.) The Examiner contends that Ohishi discloses these features. Specifically, the Examiner contends that buttons (11a-11h) correspond to the claimed switches and that monitor screen 3 corresponds to the claimed display screen. As best understood, the Examiner is contending that because the placement of the buttons and the inclination of the screen serve to reduce user fatigue, the

buttons and the inclination of the monitor screen are interrelated. Office Action at pages 9 and 10.

As set forth in claim 41, when one of a plurality of switches is pressed, the pressed switch functions under a condition that the corresponding display screen is inclined. Specifically, a direction of inclination of the display screen is varied depending upon the desired function corresponding to the switch being pressed.

In contrast, in the video camera of Ohishi, a plurality of buttons may be appropriately operated with a monitor screen 3 that may be optionally inclined at a predetermined angle. Therefore, Applicants submit that the monitor screen 3 would be inclined at the predetermined angle regardless of the function being selected using the button.

In addition, the Examiner's reliance on the reduction of "fatigue" to interrelate button (11a-11h) and the inclination of monitor screen 3 is not supported by Ohishi. Ohishi clearly discloses that the reduction of user fatigue is accomplished by balancing the weight of the camera to each of the user's hands regardless of whether monitor screen 3 or finder 12 is used (col. 8, lines 52-65).

Further, Ohishi discloses that the camera can be operated without the monitor screen 3 inclined by using the finder 12 (see col. 8, lines 43-46, Figs. 14 and 15). Therefore, the operation of the buttons is independent of the inclination of the monitor screen rather than "under a condition" that the monitor screen is inclined.

Claim 42 recites a capturing apparatus that comprises "a switch unit including at least one switch ... wherein, when the switch of the switch unit is pressed, the switch functions under a

condition that the corresponding display screen is inclined.” Because this feature is similar to that given above with respect to claim 1, Applicants submit that claim 42 is patentable for at least reasons similar to those given above with respect to claim 41.

Applicants submit that claims 48, 50, 63 and 64 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 52, 53, 55, 56 and 65 under 35 U.S.C. § 102(e) as being anticipated by Anderson (US 6,154,210) [“Anderson”]. For at least the following reasons, Applicants traverse the rejection.

Claim 52 recites a capturing apparatus that comprises “an input unit including a first display unit operable to display a first displayed information and a plurality of switches arranged in the vicinity of an outer periphery of a display of the first display unit ... and a second display unit, wherein said first displayed information includes information indicating functions assigned to said plurality of switches, and a means is provided for incorporating at least a part of said first displayed information, including said functions, into said second display unit ... and wherein the first display unit and the second display unit are disposed on different places, respectively, on the capturing apparatus.” (emphasis added.) The Examiner contends that Anderson discloses the claimed first display unit and the claimed second display unit. Specifically, the Examiner contends that Fig. 9D of Anderson discloses a 288 x 196 pixel area that corresponds to the claimed first display unit and that the 320 x 240 area, which includes the 288 x 196 pixel area, corresponds to the claimed second display unit. The Examiner contends that the claim language

does not distinguish the first display unit and the second display unit physically. Office Action at page 12.

Fig. 9D of Anderson discloses a 320 x 240 pixel area that is divided into a “Application Graphics Area” that displays, among other things, “softkeys” 910a-910d and a “Softkey Label Area” that displays other “softkeys.”

Applicants submit that the “softkeys” 910a-910d are within the 288 x 196 pixel that allegedly corresponds to the first display unit. Therefore, they are not in the vicinity of at an outer periphery of a display of the first display unit as set forth in claim 52. In addition, since the 320 x 240 pixel area (the alleged second display unit) includes the 288 x 196 pixel area (the alleged first display unit), Anderson does not disclose or suggest that the first display unit and the second display unit are disposed on different places, respectively, on the capturing apparatus as set forth in claim 52.

To the extent the Examiner may be contending that only the “Softkey Label Area” is the claimed second display unit, Applicants submit that the “Softkey Label Area” does not disclose or suggest that functions related to the buttons (910a-910d) are displayed in this area. Therefore, Anderson does not disclose or suggest the claimed displaying of first information, including functions, on the second display unit as set forth in claim 52.

Further, the claim language recites a capturing apparatus that comprises an input unit and a second display unit, the input unit including a first display unit. It does not recite that the second display unit comprises the first display unit. Therefore, the Examiner’s claim construction is clearly in error since the Examiner is using the same feature in Anderson (the 288

x 196 pixel area) to allege that two different claim elements (the first display unit and a portion of the second display unit) are disclosed.

Applicants submit that claims 53, 55, 56 and 65 are patentable at least by virtue of their dependency on claim 52.

IV. Claim Rejection Under §103

The Examiner has rejected claims 3, 4 and 66 under 35 U.S.C. § 103(a) as being unpatentable over Hirose in view of Swayze (US 6,519,003) ["Swayze"]. For at least the following reason, Applicants traverse the rejection.

Because Swayze does not cure the deficient teachings of Hirose with respect to claim 1, Applicants submit that claims 3, 4 and 66 are patentable at least by virtue of their dependency on claim 1.

The Examiner has rejected claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Ohishi in view of Hirose. For at least the following reason, Applicants traverse the rejection.

Because Hirose does not cure the deficient teachings of Ohishi given above with respect to claim 41, Applicants submit that claim 51 is patentable at least by virtue of its dependency on claim 41.

V. Rejoinder of Claims

Because claim 8 depends on claim 1, claims 43-47 and 49 depend on claim 41 and claims 54 and 57-62 depend on claim 52, Applicants request that these claims be rejoined based on their dependency to their respective base claims.

Amendment Under 37 C.F.R. § 1.116
U.S. Serial No. 09/765,369

Attorney Docket No.: Q62748

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

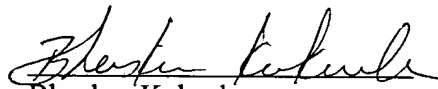
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Bhaskar Kakarla
Registration No. 54,627

Date: November 25, 2005